

REMARKS

Claims 1-11 and 21-26 were pending in the application. Claims 1-6, 8-11, 21-24, and 26 have been rejected. Claims 7 and 22 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Claim 25 has been allowed. By way of this Amendment, claims 21 and 22 have been amended. Claims 1-11 and 21-26 remain pending in the application.

Reconsideration and withdrawal of the rejections are hereby respectfully solicited in view of the foregoing amendments and the following remarks.

I. Claim Rejections - 35 U.S.C. §103

Claims 1-6, 8-11, 21, 23, and 24 have been rejected as being unpatentable over Hartenstine et al. U.S. Patent No. 6,487,327 (Hartenstine) in view of Takahashi et al. U.S. Patent No. 4,953,887 (Takahashi).

Claims 1-6, 8-11, and 24

The Office Action cites Hartenstine as disclosing a basket frame including a pair of arms mounted to the stroller frame and a rear cross member extending between the pair of arms. Further, the Action cites a latch mount coupled to the rear cross member, and a basket mounted to move relative to the basket frame. The Office Action recognizes that Hartenstine fails to teach a latch coupled to the basket to releasably engage the latch mount, thereby allowing the basket to move between a closed position and an open position relative to the basket frame.

The Office Action therefore cites Takahashi as disclosing a baby carriage comprising a basket having a stopper (or latch). The latch is cited as including a flange-shaped engagement portion which can engage a latch mount. The Action therefore concludes that it would be obvious to a skilled artisan to combine the teachings of Takahashi with those of Hartenstine for the purposes of providing a basket that moves between closed and open positions.

Applicant has reviewed the cited prior art, and respectfully asserts that the presently claimed invention is patentable over the prior art for several reasons, as will now be discussed.

Takahashi discloses a basket frame 71 that supports a bag or basket 72. A stopper 8 is disposed at the base of the bag 72. The stopper 8 includes a U-shaped handling portion (or mounting portion) 82 and a projection 81. A step plate 9 is disclosed at the base of the carriage, and includes an engagement hole 91. During operation, the projection 81 fits into the engagement hole 91 to maintain the bag in an open configuration. The projection 81 is removed from the engagement hole 91, and the handling portion 82 is mounted onto the crossbar of the basket frame to close the bag 72. As noted in Applicant's previous Response to Office Action, Takahashi fails to disclose a latch mount that is directly mounted on the rear cross member of the basket frame as recited in claims 1 and 24.

Hartenstine fails to cure the deficiency of Takahashi. First, Applicant has not identified any teaching or suggestion in Hartenstine that supports the structure identified in the Office Action as being a latch mount. In fact, the Office Action has not identified any latch taught in Hartenstine that is configured to connect with the structure that the Office Action calls a latch mount. Applicant therefore believes that the Office Action is referring to the structure as a latch mount based on how the structure would theoretically operate if combined with the teachings of Takahashi in the manner suggested in the Office Action. However, as noted above, Hartenstine fails to teach or suggest that the identified structure is indeed a latch mount.

Furthermore, Takahashi teaches away from combining with Hartenstine in the manner suggested in the Office Action. Specifically, Hartenstine teaches a structure (identified in the Office Action as a latch mount) mounted onto the rear portion of the frame. Takahashi, however, discloses that the handling portion 82 has a U-shaped profile that is adapted to be mounted on and engaged with a rear edge portion of the frame member 71 (See Takahashi, Col. 4, lines 56-60). Accordingly, Takahashi teaches away from mounting the handling portion onto Hartenstine's "latch mount" because the "latch mount" is not a rear edge portion of the Hartenstine's frame member, but rather is a structure that is mounted onto the frame member. Because Takahashi teaches away from Hartenstine, claims 1 and 24 are patentable over the cited prior art.

Second, even if the references were combined in the manner suggested in the Office Action, the combination would be rendered unsuitable for its intended purpose. Specifically, Fig. 1 of Hartenstine clearly illustrates the "latch mount" as a protrusion from the cylindrical

cross member 52C. The protrusion has a shape that would not be amenable to mounting a member having a U-shaped channel. As a result, Takahashi's U-shaped handling portion 82 would not adequately (if at all) engage the Hartenstine's "latch mount" when closing the bag 72. As noted above, Takahashi's U-shaped handling portion 82 is specifically configured to mount onto the round cross member of the frame, and not onto a differently shaped protrusion from the cross member. For this second reason, independent claims 1 and 24 are patentable over the cited prior art.

Third, while the shape of the outer surface of Hartenstine's "latch mount" could conceivably be modified to provide a surface that reliably engages the U-shaped handling portion 82 of the stopper 8, such modification is not taught or suggested in the prior art. Furthermore, one having ordinary skill in the art would not be motivated to modify the latch mount. Rather, the teachings of the prior art references would motivate the skilled artisan to remove the "latch mount" from Hartenstine's cross member altogether so that the U-shaped handling portion 82 would mount directly to the cross member in the manner described in Takahashi. Such a system, however, would fail to teach or suggest a latch mount directly mounted on the rear cross member, as recited in claims 1 and 24. For this third reason, independent claims 1 and 24 are patentable over the cited prior art.

Claims 21 and 23

Upon reviewing the rejections cited in the Office Action, Applicant could not identify any discussion of the combination of prior art teachings or suggestion that would render the invention recited in claim 21 obvious. Nevertheless, Applicant asserts that claim 21 is patentable over the prior art for several reasons.

First, as discussed above with respect to independent claims 1 and 24, Takahashi teaches away from combining with Hartenstine in the manner suggested in the Office Action. Specifically, Takahashi discloses that the handling portion 82 has a U-shaped profile that is adapted to be mounted on and engaged with a rear edge portion of the frame member 71 (See Takahashi, Col. 4, lines 56-60). Hartenstine, on the contrary, teaches a structure (identified in the Office Action as a latch mount) connected to the rear portion of the frame. Accordingly, Takahashi teaches away from mounting the handling portion onto Hartenstine's "latch mount." Because Takahashi teaches away from Hartenstine, claim 21 is patentable over the cited prior art.

Second, even if the references were combined in the manner suggested in the Office Action, the combination would be rendered unsuitable for its intended purpose. Specifically, Fig. 1 of Hartenstine clearly illustrates the “latch mount” as a protrusion from the cylindrical cross member 52C. The protrusion has a shape that would not be amenable to mounting a member having a U-shaped channel. As a result, Takahashi’s U-shaped handling portion 82 would not adequately (if at all) engage the Hartenstine’s “latch mount” when closing the bag 72. For this second reason, independent claim 21 is patentable over the cited prior art.

Third, even if the references were combined in the manner suggested in the Office Action, the combination would fail to teach or suggest each limitation of claim 21. For instance, claim 21 has been amended to recite that when the basket is in the open position, access to an interior of the basket is provided by an access opening that is disposed above the basket and below the basket frame (See FIG. 2 of the present application). Neither of the cited prior art references teaches or suggests such an access opening. In both Hartenstine and Takahashi, the access opening is provided by an open upper end of the basket or bag (see Takahashi, Fig.1 and Hartenstine, Fig. 1A). For this third reason, the combination of prior art references fails to teach or suggest the invention recited in claim 21.

Conclusion

The prior art itself teaches away from the combination suggested in the Office Action. Furthermore, if the prior art were combined in the manner suggested in the Office Action, the teachings of Takahashi would no longer work for their intended purpose. Finally, with respect to claims 1 and 24, any modification to the prior art that could arguably teach a latch mount directly mounted on the rear cross bar member is not suggested in the prior art and. In fact, the prior art teaches away from such a structure. With respect to independent claim 21, even if the references were combined in the manner suggested, the combination of prior art would fail to teach or suggest the presently claimed access opening. For these reasons, Applicant asserts that independent claims 1, 21, and 24 are allowable over the cited prior art.

Applicant further cites the patentability of independent claims 1 and 21 as providing a sufficient basis for the allowance of corresponding dependent claims 2-6, 8-11, and 23. Withdrawal of the rejection of claims 1-6, 8-11, 21, and 23-24 is therefore respectfully requested.

II. Claim Rejections - 35 U.S.C. §102(e)

Claim 26 is rejected as being anticipated by Turner U.S. Patent Application No. 2002/0109321 (Turner). Though not argued herein, the applicants reserve the right to swear behind any properly cited 102(e) references.

The Office Action cites Turner as teaching a basket 50 including a large storage cavity 70 and a smaller storage cavity 72. The basket is said to move between a closed position and an open position wherein, when the basket is moved to the open position, the basket moves downward from the basket frame and forward relative to the rear of the basket frame. The Office Action further cites that when the basket is open, access to an interior of the basket is provided between the basket and the basket frame.

Applicant respectfully asserts that Turner fails to teach or suggest all limitations of claim 26. Specifically, claim 26 recites a basket mounted to move between a closed position and an open position *relative to the basket frame*. Turner teaches that the basket 40 is mounted in an open position with an expandable cavity 72 (See Paragraph 24; Fig. 1). Specifically, corrugated foldable side walls 74 and a grippable rear wall 76 cooperate to form the expanded cavity. While the rear wall 76 can be moved in directions 77 and 78 to change the volume of the expandable cavity 72, Turner fails to disclose that the basket 40 can be closed. Furthermore, Fig. 1 shows no structure that would attach the rear wall 76 to the basket frame or any other basket-closing structure.. Accordingly, Turner fails to teach or suggest the claim 26 limitation of a basket mounted to move between a closed position and an open position relative to a basket frame.

Moreover, Turner fails to teach or suggest the claim 26 limitation that when the basket is moved to the open position, the basket moves downward from the basket frame and forward relative to a rear of the basket frame. As clearly illustrated in Fig. 1, when Turner's basket 40 is further opened, the basket moves downward and rearward relative to a rear of the basket frame along the direction 77.

Because Turner fails to teach or suggest all limitations recited in independent claim 26, Applicant asserts that claim 26 is patentable over the cited prior art. Withdrawal of the rejection of claim 26 under 35 USC §102(e) is therefore respectfully requested.

III. Allowable Subject Matter

Applicant notes with appreciation that claim 25 has been allowed, and that claims 7 and 22 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

Applicant cites the allowability of independent claim 1 as providing a sufficient basis for the formal allowance of dependent claim 7.

Claim 22 has been amended in a manner intended to incorporate all limitations of claim 21 as previously presented. Independent claim 22 is therefore allowable over the cited prior art.

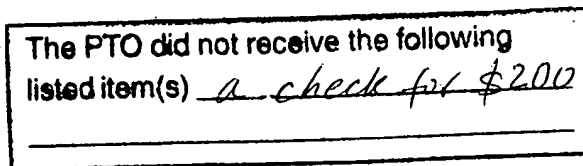
Formal allowance of claims 7, 22, and 25 is respectfully requested.

IV. Conclusion

Claims 1-11 and 21-26 are believed to be in condition for allowance. Entry and consideration of this paper, and allowance of the claims, are respectfully solicited. A check payable in the amount of \$200 is enclosed herewith in payment for the addition of one independent claim greater than three.

The Examiner is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will place this case in condition for allowance.

Respectfully submitted,



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